

Glenda Wiles

From: terry mcnamara [terry@blackfoot.net]
Sent: Friday, May 16, 2008 1:23 PM
To: Glenda Wiles
Subject: Draft B Comments

May 14, 2008

To: Ravalli County Commissioners

Re: Ravalli County Zoning Draft B

Dear Commissioners,

Draft B is Communist at best, disrespectful, unconstitutional, and unacceptable in its entirety.

Given the Totalitarian nature of Draft B, I will assume that my above evaluation of the document will be entirely disregarded. So, for the sake of more productive input, I expect the following concerns to receive attention in the production of Draft C.

1. The term "non-conforming", used to describe what amounts to the majority of the properties in Ravalli County after adoption of a zoning plan, is a negative word carrying with it a stigma that will negatively impact the resale-ability of existing properties. A more user-friendly term such as "grandfathered" must be used.
2. Non-conforming (grandfathered) uses and structures must be allowed to run with the land so as to protect home equity and land values. The Draft contradicts itself in that it states that one of the purposes of the zoning is to "protect and maintain the value of land and other property", yet the treatment of non-conforming uses and structures does nothing to protect the value of my property. Currently, my barn, paddocks, fences, house and riding arena are all selling features giving value to my property and providing me with equity that I might use to send my girls to college. Each of these valuable features which are perfectly acceptable at the moment will become non-conforming upon adoption of the zoning plan, thus decreasing value to prospective buyers and lenders, complicating the sale of my home and diminishing my equity. This is absolutely unacceptable. I am not the only property owner this will happen to.
Overtime this will have a negative economic impact on the county.
3. The treatment of existing homeowners is unfair. As there have been no building codes in Ravalli County, language must be included that protects their equity and land value.
4. Riding Arenas must be defined as follows: Indoor Private, Outdoor private, Indoor Public for profit, Outdoor Public for profit, Indoor public non-profit and Outdoor public non-profit. A distinction between Indoor vs Outdoor must be made as there may be good reason to disallow a large Indoor Arena in an RA-4 or RA-5 area, but no reason I can imagine to disallow an Outdoor riding arena in those type of areas. Five acres is ample room for a riding arena and must be permitted by right on RA-4 and RA-5 properties.
5. Private riding arenas must be allowed on all RA lands.
6. Setbacks must be reduced to 15 feet for front, roadside.
7. How many people the citizens of this county host on their private property and in their homes for whatever purpose is entirely their right and their business. To require a temporary use permit for assembling people at my home infringes upon my right to enjoy and defend my life and liberties and to seek my happiness in all lawful

ways afforded me by the Montana State Constitution and my 1st Amendment right to assemble peaceably.

8. The Board of Adjustment must be elected by a vote of the people, not appointed by the County Commissioners so as to protect the B.O.A. members and Commissioners from conflicts of interest and to protect the people from personal agendas and tyrannical government.

9. All uses not listed in the Summary Use Table must be presumed allowed by right. This change must occur in Draft C. To fail to do so will be an egregious error. As the plan currently reads, it creates opportunity for neighbors to turn on each other and will serve to destroy community rather than build it. This “guilty-until-proven-innocent”, totalitarian type position contains within it the potential for a massive overload of the already overtaxed county planning department. All unlisted uses must be presumed allowed by right until such time that sufficient complaint of an offensive use is filed with the Planning Director upon which the Planning Director shall investigate said complaint for the purpose of determining whether or not the offensive use in question is appropriate in that zoning area, etc... you get the idea.

10. Page 37 states that “a zoning compliance permit must be obtained from the Permit Officer before any building, structure or land may be used or occupied...” This must be clarified to apply only to new construction. As it reads it may be interpreted to apply to existing homes allowing the county to require a permit when an existing home is bought/sold before the purchaser can move in.

11. The language of the draft is poorly defined (with many things assumed) leaving room for multiple interpretations, all of which are to be made by the Planning Department thus affording the county far more control than is necessary or acceptable.

12. Points (h) on page 36 “Investigate apparent zoning violations...”
The word apparent is too vague. Using the word obvious might be a better choice. The wording is unspecific as to how the zoning violation is brought to the Permit Officer’s attention. Will the Permit Officer be driving around looking for obvious zoning violations in which case it should be an obvious violation. Or, is this investigating in response to a claim of zoning violation that has been filed in with the county?

13. This is really petty, but I take no comfort in knowing that the people running this county have hired a company to create the template by which I will be forced to live and they can’t even alphabetize their dictionary. It is obvious that Clarion is trying to fit a square peg into a round hole and morph a plan suited for urban areas into something that will fit our rural county. This is absurd. Fire them and hire an in-state company that understands the needs of Montanans. To have hired them in the first place is a sure sign of incompetence and lack of understanding of the people of this county that you are serving. You know, the people who pay the taxes that pay your wages?

Seeking to preserve for my children some semblance of the freedom I was raised with, Sandra McNamara
Stevensville